

FIRST REGULAR SESSION

SENATE BILL NO. 22

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0608S.011

AN ACT

To repeal section 441.236, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste, with a penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 441.236, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 260.850, 260.855, 260.860, 260.865, and 441.236, to read as follows:

260.850. Sections 260.850 to 260.865 shall be known as the "Hazardous Waste Home Acquisition Program".

260.855. As used in sections 260.850 to 260.865, the following terms shall mean:

- (1) "Department", the Missouri department of natural resources;**
- (2) "Home", a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common areas and common elements as defined in subdivision (4) of section 448.1-103. "Home" shall include the land and improvements to land under and around the house, unit, or structure. "Home" shall also include a manufactured home as defined in section 700.010.**

260.860. There is hereby created in the state treasury the "Hazardous Waste Home Acquisition Program Fund", which shall consist of moneys appropriated to the fund. The state treasurer shall be the custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements from the fund. Upon appropriation by the general assembly, moneys in the fund shall be used solely to purchase homes that meet the requirements set forth in

8 section 260.865. Notwithstanding the provisions of section 33.080 to the
9 contrary, any moneys remaining in the fund at the end of the biennium
10 shall not revert to the credit of the general revenue fund. The state
11 treasurer shall invest moneys in the fund in the same manner as other
12 funds are invested. Any interest and moneys earned on such
13 investments shall be credited to the fund.

260.865. 1. Any homeowner whose home is located within one
2 and one-half mile north, northeast, or northwest of Interstate 70 at exit
3 232A within the Spanish Village subdivision in any county with a
4 charter form of government and with more than nine hundred fifty
5 thousand inhabitants shall be eligible to sell such home for the fair
6 market rate to the state of Missouri through the hazardous waste home
7 acquisition program administered by the Missouri department of
8 natural resources.

9 2. In order to sell such home, the homeowner shall complete an
10 application to the department on forms prescribed by the
11 department. The application shall include:

12 (1) The homeowners' name;

13 (2) The address of the home;

14 (3) Proof of home ownership, including relevant title documents,
15 warranty deeds, special warranty deeds, trustee's deeds, and quit claim
16 deeds;

17 (4) An appraisal of the home indicating the fair market rate of
18 the home that is dated within the previous three calendar months from
19 the date of application; and

20 (5) Any other information the department deems necessary.

21 3. The department shall assess the homeowners' application
22 within thirty calendar days, and notify the applicant of any deficiencies
23 in writing by certified mail. Upon notification of application
24 deficiencies, the applicant shall have an additional thirty calendar days
25 to cure such deficiencies. Upon receiving a completed application
26 cured of any deficiencies, the department shall have thirty calendar
27 days to process the homeowners' application, make its final decision to
28 approve or disapprove the application, and advise the applicant in
29 writing by certified mail of its decision.

30 4. If the department disagrees with the appraisal of the home
31 indicating the fair market rate of the home, then the department shall

32 also perform an appraisal on the home with such expenses paid by the
33 hazardous waste home acquisition program fund established under
34 section 260.860. Concurrently, a third appraisal of the fair market rate
35 of the home shall be conducted by a real estate appraiser certified or
36 licensed under chapter 339 mutually agreed upon by the department
37 and the applicant at the applicant's cost. Upon completion of all three
38 appraisals, the fair market rate shall be determined by averaging the
39 fair market rate of all three appraisals. The appraisal process shall be
40 concluded within ninety calendar days from the applicant's date of
41 application. In the event either party is dissatisfied with the value
42 determined by averaging such three appraisals, such party may bring
43 an action for review in any court of competent jurisdiction. The court
44 shall rule on any such petition for review in an expedited manner.

45 **5. The hazardous waste home acquisition program costs shall not**
46 **exceed twelve million five hundred thousand dollars.**

47 **6. The department shall promulgate rules and regulations to**
48 **administer the hazardous waste home acquisition program. Any rule**
49 **or portion of a rule, as that term is defined in section 536.010 that is**
50 **created under the authority delegated in this section shall become**
51 **effective only if it complies with and is subject to all of the provisions**
52 **of chapter 536, and, if applicable, section 536.028. This section and**
53 **chapter 536 are nonseverable and if any of the powers vested with the**
54 **general assembly pursuant to chapter 536, to review, to delay the**
55 **effective date, or to disapprove and annul a rule are subsequently held**
56 **unconstitutional, then the grant of rulemaking authority and any rule**
57 **proposed or adopted after August 28, 2017, shall be invalid and void.**

441.236. 1. In the event that any premises to be rented, leased, sold,
2 transferred or conveyed is or was used as a site for methamphetamine production,
3 the owner, seller, landlord or other transferor shall disclose in writing to the
4 prospective lessee, purchaser or transferee the fact that methamphetamine was
5 produced on the premises, provided that the owner, seller, landlord or other
6 transferor has knowledge of such prior methamphetamine production. The owner
7 shall disclose any prior knowledge of methamphetamine production, regardless
8 of whether the persons involved in the production were convicted for such
9 production.

10 **2. In the event that any premises to be rented, leased, sold,**
11 **transferred, or conveyed is or was previously contaminated with**

12 radioactive material, the owner, seller, landlord, or other transferor
13 shall disclose in writing to the prospective lessee, purchaser, or
14 transferee the fact the premises is or was previously contaminated with
15 radioactive material, provided that the owner, seller, landlord, or other
16 transferor has knowledge of such radioactive contamination. In the
17 event that an owner, seller, landlord, or other transferor does not make
18 the disclosure as required under this subsection, and the person had
19 knowledge of such radioactive contamination, the person shall be guilty
20 of a class A misdemeanor.

Unofficial

Bill

Copy